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Committee on Economic, Social and Cultural Rights

List of issues in relation to the sixth periodic report of Canada*

I. General information

1. Please describe the legislative measures taken to give full effect to the provisions of the Covenant in the State party's domestic legal order. Please provide examples of cases in which the provisions of the Covenant have been invoked before and applied by domestic courts, in particular by the Supreme Court of Canada. Please also provide information on follow-up actions taken by the State party concerning courts' rulings with an impact on economic, social and cultural rights.

II. Issues relating to general provisions of the Covenant (arts. 1–5)

Article 1 – Free disposal of natural wealth and resources

2. Further to the Committee's previous concern (E/C.12/CAN/CO/4-E/C.12/CAN/CO/5, para. 16) please provide updated information on the policies and practices initiated to ensure the full protection of inherent indigenous treaty rights and titles. Please provide information on the measures taken to address the impact of climate change on indigenous peoples, including on their living environment and way of life. Please update the Committee on the results of the talks with the Innu in Quebec and Labrador as well as with the Lubicon Lake Band in Northern Alberta regarding their land claims.

3. In the light of the increasing resource development projects in the State party, please demonstrate how the State party is ensuring the free, prior and informed consent of the indigenous peoples affected by such projects in advance to the Government launching these projects. Please explain if and how gender-based analysis of development projects is carried out before embarking on such projects on or nearby lands, territories and resources traditionally owned, occupied or otherwise used or acquired by indigenous peoples.

* Adopted by the pre-sessional working group at its fifty-fifth session (9–13 March 2015).

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4. Please provide information on the measures taken, including legislative, regulatory, policies and guidance, to ensure that private companies respect economic, social and cultural rights throughout their operations, including when operating abroad. In doing so, please also inform on remedies available for victims and describe grievance mechanisms in place and elaborate on their mandates.

Article 2, paragraph 1 – Maximum available resources

5. Please provide information on the impact of the austerity measures introduced in 2010 and onwards, as suggested in paragraph 15 of the State party's report (E/C.12/CAN/6), on the actual enjoyment of economic, social and cultural rights. Please also indicate the steps taken to ensure that the measures under the 2010 federal budget did not generate disproportionate impact on disadvantaged and marginalized groups and individuals.

6. Please provide information to the Committee as to if and when the State party intends to increase the official development assistance, which underwent cuts in recent years. Please also provide information as to what extent the State party seeks to promote the realization of economic, social and cultural rights through its international development cooperation policy.

Article 2, paragraph 2 – Non-discrimination

7. Please provide information on the existence of comprehensive anti-discrimination legislation that contains all prohibited grounds of discrimination, in line with article 2, paragraph 2, of the Covenant.

8. Further to the Committee's previous concerns (E/C.12/CAN/CO/4-E/C.12/CAN/CO/5, paras. 11(d) and 15), please elaborate on the impact of the measures taken to reduce disparities between indigenous and non-indigenous peoples in relation to poverty prevalence and access to basic rights, including housing, education and health-care services.

Article 3 – Equal rights of men and women

9. Please indicate the measures taken including under the Employment Equity Act to promote women's representation in power-sharing and decision-making positions in the public and private sectors, and to address the gender wage gap as well as the occupational segregation by sex.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

10. Please update the Committee on the impact of the measures taken, including under the Racism-Free Workplace Strategy, the Opportunities Fund for Persons with Disabilities and the Aboriginal Skills and Training Strategy, to improve access to work opportunities by indigenous peoples, minority groups, persons with disabilities and young people. Please also provide the Committee with up-to-date data on these groups' access to employment.

Article 7 – The right to just and favourable conditions of work

11. Please indicate whether the adjustments to minimum wages introduced in the State party's provinces and territories provide workers and their families with a decent living. Please also indicate the impact of such adjustments on reducing poverty.

12. Please update the Committee on the coverage of employment insurance benefits, indicating whether workers in part-time and temporary jobs have access to such benefits. Please also provide information on the measures taken to ameliorate the situation of migrant workers who are under the federal Live-In Caregiver Programme, and indicate if all jurisdictions have adopted or plan to adopt legislation aimed at protecting migrant domestic workers.

13. Please update the Committee on the measures taken to address sexual harassment in the workplace. In this regard, please indicate if all provinces and territories have adopted and effectively implemented legislation that criminalizes sexual harassment in the workplace, while describing the available mechanisms to monitor such implementation. Please indicate if the principle of equal remuneration for work of equal value is incorporated in the State party's legislation in all jurisdictions, and applied in practice.

Article 8 – Trade union rights

14. Please update the Committee on the measures taken to review the legislation on the right to strike, particularly by workers in the education and health sectors, with a view to accord these workers the right to strike. Please also provide information on the existing restrictions on the right to form or join a trade union by various categories of workers in all provinces and territories.

Article 9 – The right to social security

15. Please also indicate if accountability provisions exist in the Canada Social Transfer for social assistance and social services, so as to ensure that social assistance levels as decided by each province and territory are sufficient for the realization of adequate standard of living for all beneficiaries.

16. Please indicate if social assistance levels have been revised in all jurisdictions since 2009 and, if so, please explain whether the current rates allow individuals and families to meet their basic needs, including housing and food.

Article 10 – Protection of the family, mothers and children

17. Please indicate if the State party has taken steps to criminalize domestic violence as a separate offence, and describe the measures adopted to address violence against women. Please also provide information on the steps taken to facilitate access to shelters and long-term housing solutions for girls and women victims of domestic violence, including indigenous women.

18. Please describe the impact of the measures taken, including transitioning the First Nations Child and Family Services Programme to a more prevention-based model, to reduce the frequency of removing indigenous children from their parental home and placing them in foster care. Please update the Committee if the Canadian Human Rights Tribunal has released its judgement concerning the complaint filed by civil society in 2007 on the

adequacy of funding provided to the First Nations Child and Family Services Programme, and outline the main aspects of the judgement.

Article 11 – The right to an adequate standard of living

19. Please update the Committee on the impact of the measures taken to reduce poverty among marginalized and disadvantaged individuals and groups, including indigenous peoples, single mothers, recently arrived immigrants, persons with disabilities and children.

20. Further to the Committee's previous recommendation (E/C.12/CAN/CO/4-E/C.12/CAN/CO/5, para. 61), please indicate the measures adopted to reduce hunger and food insecurity, in particular among indigenous peoples living on-reserve and living off-reserve, as well as among recently arrived immigrant households. Please also indicate if the State party intends to adopt a national right to food strategy.

21. Further to the Committee's previous concern (E/C.12/CAN/CO/4-E/C.12/CAN/CO/5, para. 28), and in the light of the State party's statement that the number of homeless persons is increasing in Canada (E/C.12/CAN/6, para. 125), please provide updated information on the impact of the measures taken to tackle homelessness. Please also describe the steps targeting groups who are more vulnerable to homelessness, including abused women and girls, persons with disabilities, families with low income, and indigenous peoples.

Article 12 – The right to physical and mental health

22. Please provide information on the causes of the disparities that particularly affect indigenous peoples in the enjoyment of the right to health by referring to the availability, accessibility, adequacy and quality of health facilities, goods and services. Please explain to what extent the measures undertaken have addressed these disparities, including concerning life expectancy, infant mortality, suicide and communicable and chronic diseases.

23. Please provide information on the legal framework regulating abortion in the State party, and indicate any ethnic-based or regional discrepancies in access to legal abortion services and expenses coverage among all jurisdictions. Please also indicate if sexual and reproductive health information and services are available and accessible by all individuals, as well as age-appropriate sexual education by children at schools.

Articles 13 and 14 – The right to education

24. Please update the Committee on the measures taken in all jurisdictions to improve access to education by African Canadian pupils as well as their retention, in the light of the Committee's previous recommendations (E/C.12/CAN/CO/4-E/C.12/CAN/CO/5, paras. 31 and 66).

25. Please describe the impact of the measures taken to enhance school achievements by indigenous children. Please also indicate if indigenous children are taught in their own language at the primary and secondary school levels.

26. Please provide up-to-date data on higher education enrolment and completion disaggregated by ethnicity, sex, geographical location and economic status. Furthermore, please explain the measures taken to guarantee that higher education is accessible to all by every appropriate means, and in particular by the progressive introduction of free education.

27. Please provide information on the access of children with disabilities to inclusive education, as well as the availability of sufficient qualified staff and teachers, including in isolated and rural areas.

Article 15 – Cultural rights

28. Please explain the measures taken to preserve and promote indigenous languages in the State party.

29. Please outline the main aspects, including concerning indigenous languages and cultures, of the Bill C-33- First Nations Control of First Nations Education Act, and update the Committee on its current status. Please also provide information on any consultations carried out with indigenous peoples on the development of the proposed Act.

30. Please indicate the measures taken by the State party to facilitate affordable access to the Internet by disadvantaged and marginalized individuals and groups, as well as in remote areas.

31. Please provide information on the steps taken to promote the right to enjoy the benefits of scientific progress, and elaborate on the measures adopted to ensure women's participation in science and technology in education and employment.